

July 29, 2010

NOTICE OF SURPLUS DETERMINATION - GOVERNMENT REAL PROPERTY

**J. Allen Frear Federal Building
300 South New Street
Dover, DE 19904
GSA CONTROL NUMBER: 4-G-DE-0470
HUD ASSIGNED PROPERTY NUMBER: 54201030005**

Notice is hereby given that the above-mentioned property has been determined to be surplus Federal Government property, and is available for disposal pursuant to certain provisions contained in 40 U.S.C. 101 et seq., the Property Act, as amended, and applicable regulations.

The U. S. Department of Housing and Urban Development (HUD) has determined that the property is **unsuitable** for possible use for facilities to assist the homeless under the Stewart B. McKinney -Vento Homeless Assistance Act (42 U.S.C. 11411), as amended, and was published in the Federal Register on 7/23/2010.

PROPERTY DESCRIPTION: The property is located in the southern portion of Dover, Delaware at 300 South New Street, Kent County. The site contains approximately 2.5 acres of land and is improved with a cononial style masonry office building comprised of 35,784 gross square feet of space and 79 surface parking spaces. The building contains a basement which is approximately half the floor area of the two above grade floors. The building is designed for general office use and is considered Class B space. Asbestos Containing Materials (ACM) were found throughout the building, specifically in floor tiles and floor tile adhesive, duct work in the boiler room, and roofing cement.

The property is offered "AS IS" and "WHERE IS" without representation, warranty, or guaranty as to quantity, quality, title, character, condition, size or kind, or that the same is in condition or fit to be used for the purpose for which intended.

The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to submit a formal application for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government determines that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations:

STATUTE

TYPE OF DISPOSAL

40 U.S.C. 545
(b)(8)

Negotiated sales to public bodies
for public purposes generally

40 U.S.C. 553 (b)(1)	Correctional facility use
40 U.S.C. 550 (d)(1)	Protection of public health (drug rehab)
40 U.S.C. 550 (c)(1)	School, classroom or other educational purposes to public bodies & eligible nonprofits

If any public agency desires to acquire the property under the cited statutes, notice thereof in writing must be filed with the appropriate Federal agency, listed on the following pages, no later than thirty **(30)-calendar days** from the date of this Notice. In addition to filing notices with the proper agency, copies of all such notices should be sent to the following address, **within the same 30-calendar day period:**

U.S. General Services Administration(GSA)
Public Buildings Service
Real Property Utilization and Disposal Division (4PZ)
Attn: Rob L. Miller, Jr., Zonal Director
401 West Peachtree Street, NW, Suite 820
Atlanta, GA 30308
Phone: (404)331-5133

Such written notice shall:

- (1) Disclose the contemplated use of the property.
- (2) Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property.
- (3) Disclose the nature of the interest if an interest less than fee title to the property is contemplated.
- (4) State the length of time required to develop and submit a formal application for the property. (Where a payment to the Government is required under the statute, include a statement as to whether funds are available and, if not, the period required to obtain funds.)
- (5) Give the reason for the time required to develop and submit a formal application.

Upon receipt of such written notice, the applicant shall be promptly informed concerning the period of time that will be allowed for submission of a formal application. In the absence of such written notice, or in the event a public use proposal is not approved, the

regulations issued pursuant to authority contained in the "Property Act", provide for offering the property for sale.

Any planning for the stated public uses of the property sought to be acquired subject to a public benefit allowance or negotiated sale must be coordinated with the appropriate Federal agency listed below. An application form to acquire property for the stated use, and instructions for the preparation and submission of an application, may also be obtained from that same agency.

Any planning for a correctional use of the property subject to a public benefit allowance must be coordinated with the U.S. Department of Justice. An application form to acquire the property for a correctional use and instructions for preparation and submission of such application may be obtained from:

U.S. Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance
Ms. Maria Pressley-Berry, Senior Project Manager
810 7th Street, NW, Room 4423
Washington, DC 20531
Phone: (202)353-8643

Any planning for an educational use of the property subject to a public benefit allowance must be coordinated with the U. S. Department of Education. An application form to acquire property for an educational requirement and instructions for preparation and submission of such application may be obtained from:

U.S. Department of Education(DoE)
Federal Real Property Assistance Program
Ms. Mary Hughes
400 Maryland Avenue, SW, Room 2E307
Washington, DC 20202
Phone: 202-401-3587

Application forms or instructions to acquire property for all other public use requirements may be obtained from:

U.S. General Services Administration
Public Buildings Service
Real Property Utilization and Disposal Division (4PZ)
Attn: Rob L. Miller, Jr., Zonal Director
401 West Peachtree Street, NW, Suite 820 (4PZ)
Atlanta, GA 30308
Phone: (404)331-5133

If any public agency considers that the proposed disposal of this property is incompatible with its developmental plans and programs, notice of such incompatibility must be forwarded to the aforementioned address not later than **thirty (30)-calendar** days from the date of this Notice.

URBAN LAND USE - DISPOSAL

Sec. 904.

(a) **Notice to Local Government.** Before offering real property situated within an urban area for sale, the Administrator of General Services shall give reasonable notice to the unit of general local government exercising zoning and land-use jurisdiction in order to provide an opportunity for zoning so that the property is used in accordance with local comprehensive planning described in subsection (c).

(b) **Notice to Prospective Purchasers.** To the greatest extent practicable, the Administrator shall furnish to all prospective purchasers of such real property situated in an urban area complete information concerning:

- (1) current zoning regulations and prospective zoning requirements and objectives for property if it is unzoned; and
- (2) (A) the current availability of streets, sidewalks, sewers, water, street lights, and other service facilities; and
(B) the prospective availability of those service facilities if the property is included in local comprehensive planning described in subsection (c).

(c) **Local Comprehensive Planning.** Local comprehensive planning referred to in subsections (a) and (b) includes any of the following activities, to the extent the activity is directly related to the needs of a unit of general local government:

- (1) As a guide for government policy and action, preparing general plans related to:
 - (A) the pattern and intensity of land use;
 - (B) the provision of public facilities (including transportation facilities) and other government services; and
 - (C) the effective development and use of human and natural resources.
- (2) Preparing long-range physical and fiscal plans for government action.

- (3) Programming capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financial planning for expenditures in the earlier years of a program.
- (4) Coordination related plans and activities of state and local governments and agencies.
- (5) Preparing regulatory and administrative measures to support activities described in this subsection.

It is requested that the information contemplated by Section 904(b) of P.L. 107-217 be furnished the Zonal Director, Real Property Utilization and Disposal Division at the address cited above, **within 30-calendar days** from the date of this notice so that the required information will be available to that office.

If there are no current zoning regulations or prospective zoning requirements and objectives for the subject property, if unzoned, and the unit of general local government having zoning authority desires the opportunity, pursuant to Section 904(a), of zoning the property in accordance with local comprehensive planning prior to our offering of this property for sale, please advise our Real Property Utilization and Disposal Division in writing **within 30-calendar days** from the date of this notice and state the time required for promulgation of such zoning regulations.

Your cooperation in connection with the above matters will be appreciated.